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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,180	07/28/2003	Samuel H. Christie IV	7000-262	4489
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WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2642	PAPER NUMBER

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,180	Applicant(s) CHRISTIE, SAMUEL H.	
	Examiner Quynh H. Nguyen	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 11/3/05 has been entered. Claims 1, 37, 11, 13, 17, and 27 have been amended. Claim 20 has been cancelled. No claims have been added. Claims 1-19 and 21-32 are still pending in this application, with claims 1 and 17 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 and 21-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. (U.S. Patent 5,471,519) in view of Lection et al. (US 2004/0096046).

As to claim 1, Howe et al. teach a method for allowing call screening in a hosted voicemail system environment (col. 7, lines 12-15) comprising:

directing a call to a hosted voicemail system, which serves as a voicemail system for a telephone terminal (col. 3, lines 17-20; col. 7, lines 15-17) if the called line is busy or no answer (col. 9, lines 16-21); and

allowing the telephone terminal to monitor a message being left in the hosted voicemail system (col. 3, lines 20-23; col. 7, lines 18-21; col. 10, lines 54-57).

Howe et al. does not teach the call is initially directed to the hosted voicemail system.

Lecton et al. teaches the call is initially directed to the hosted voicemail system (Fig. 4, elements 440 & 450; Fig. 5, elements 540 & 550; page 1, [0007], lines 4-7; page 2, [0014] and [0023] lines 12-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Lecton into the teachings of Howe for the purpose of screening unwanted telemarketing calls, as discussed by Lecton (page 1, [0007], lines 12-14).

As to claims 2 and 18, Howe et al. teach allowing and means for allowing a user of the telephone terminal to take the call while the message is being left in the hosted voicemail system (col. 4, lines 26-30 and lines 38-43; col. 11, lines 25-35; col. 12, lines 58-63 - *where Howe discussed service node 16 instruct SSP 14 to route the communication from the calling party to the called party while the message being left in the message service*).

As to claims 3 and 19, Howe et al. teach the called is directed to the hosted voicemail system by a telephony switch supporting the telephone terminal comprising:

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establishing and means for establishing (SSP 14) a first connection to connect the call to the hosted voicemail system (col. 7, lines 15-17; col. 9, lines 60-61);

establishing and means for establishing (SSP 14) a second connection with the telephone terminal (col. 7, lines 18-19; col. 10, lines 55-57 - *where Howe discussed the one-way communication is established from the communication to the called party in order for the called party to monitor the calling party leaving a message*); and

connecting and means for establishing (SSP 14) the first and second connections (col. 7, lines 19-21 - *where Howe discussed the called party monitors the incoming call that routed to a message service, hence connecting the first connection to the voicemail system and second connection with the telephone terminal of the called party*; col. 10, lines 53-60).

As to claim 4, Howe et al. teach sending and means for sending a first signal to the telephone terminal to open a speaker channel (col. 4, lines 20-23; col. 7, lines 18-21; col. 10, lines 57-60 - *where Howe discussed service node 16 directs the establishment of the one-way communication to the called party and providing the called party with the ability to monitor or listen only to the communication between the calling party and the message service, hence sending signal to the telephone terminal to open a speaker channel*).

As to claims 5 and 21, Howe et al. teach receiving and means for receiving a second signal from the telephone terminal indicative of the user taking the call (col. 4, lines 38-40; col. 6, lines 3-5; col. 11, lines 25-28).

As to claims 6 and 22, Howe et al. teach sending and means for sending a third signal to the hosted voicemail system indicative of the user taking the call (col. 4, lines 40-50; col. 11, lines 25-35 - *where Howe discussed instructing the Service Switching Point 14 to terminate the connection between the communication and external message service, hence sending a signal to the voicemail about disconnecting the communication between the calling party and the message service*).

As to claims 7 and 23, Howe et al. teach the steps of:
establishing and means for establishing (*service node 16 instructs SSP 14*) a second call from the hosted voicemail system to the telephone terminal upon the hosted voicemail system receiving the call (col. 4, lines 19-22; col. 10, lines 55-57; col. 16, lines 7-8 - *where Howe discussed establishing a one-way communication from the communication at the message serve to the called party; and since the claim recites the language "establishing a second call from the hosted voicemail system to the telephone terminal..."*, hence the cited passage from Howe reads the claim invention);

connecting and means for connecting (*service node 16 instructs SSP 14*) the call and the second call (col. 7, lines 19-21; col. 10, lines 53-60 - *where Howe discussed the called party monitors the incoming call that routed to a message service, hence connecting the call and the second call*),

wherein the telephone terminal will open a speaker channel upon receiving the second call to allow monitoring of the message (col. 4, lines 20-23; col. 7, lines 18-21; col. 10, lines 57-60 - *where Howe discussed service node 16 directs the establishment of the one-way communication to the called party and providing the called party with the*

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ability to monitor or listen only to the communication between the calling party and the message service, hence sending signal to the telephone terminal to open a speaker channel).

As to claims 8 and 24, Howe et al. teach receiving and means for receiving a signal at the hosted voicemail system indicative of the user taking the call (col. 4, lines 40-50; col. 11, lines 25-35 - *where Howe discussed service node 16 instructs the switching route 14 to terminate the connection between the communication and external message service, hence sending a signal to the voicemail about disconnecting the communication between the calling party and the message service and indicative of the user is taking a call).*

As to claims 9 and 25, Howe et al. teach effecting and means for effecting transfer of the call to the telephone terminal upon receiving the signal (col. 4, lines 38-43; col. 12, lines 58-63).

As to claims 10 and 26, Howe et al. teach the hosted voicemail system provides caller identification information related to the call with the second call (col. 10, lines 18-23; col. 11, lines 9-13; col. 15, lines 39-42; col. 16, line 64 through col. 17, line 1 - *where Howe discussed caller's identification information is provided to the called party).*

As to claims 11 and 27, Howe et al. teach the steps of:
receiving and means for receiving a feature code from the telephone terminal (col. 15, lines 2-3 and lines 7-9 and lines 50-52 - *where Howe discussed the called party press a preselected number on the touch-tone telephone such as DTMF tone to indicate*

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a request to monitor the communication, hence receiving a feature code from the telephone terminal); and

establishing and means for establishing (service node 14 instructs SSP 16) a connection between the call, the hosted voicemail system, and the telephone terminal to allow monitoring of the message via a speaker channel (col. 15, lines 32-34 and col. 16, lines 7-13 - where Howe discussed receiving a feature code from the called party or telephone terminal, a one-way connection from the communication to the called party is established and the called party is able to hear the message of the calling party as the calling party is leaving the message with the message service, hence establishing a connection between the call, voicemail system, and the telephone terminal to allow monitoring of the message via a speaker channel).

As to claims 12 and 28, Howe et al. teach receiving a signal from the telephone terminal indicating the user taking the call (col. 4, lines 38-40; col. 6, lines 3-5; col. 11, lines 25-28) and establishing a connection to the telephone terminal to facilitate the call (col. 4, lines 40-43; col. 6, lines 3-7; col. 11, lines 29-30).

As to claims 13 and 29, Howe et al. teach the steps of:

establishing and means for establishing a second call from the telephone terminal to the voicemail system (col. 4, lines 19-22; col. 10, lines 55-57; col. 16, lines 7-8 - where Howe discussed service node 14 directs the establishment of a one-way communication from the communication at the message serve to the called party; and since the claim recites the language “establishing a second call from the telephone

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terminal to the hosted voicemail system...”, hence the cited passage from Howe reads the claim invention); and

establishing and means for establishing (service node 14 instructs SSP 16) a connection between the call and the second call to allow monitoring of the message via a speaker channel (col. 4, lines 20-23; col. 7, lines 18-21; col. 10, lines 57-60 - where Howe discussed service node 16 directs the establishment of the one-way communication to the called party and providing the called party with the ability to monitor or listen only to the communication between the calling party and the message service, hence sending signal to the telephone terminal to open a speaker channel).

As to claims 14 and 30, Howe et al. teach receiving and means for receiving a signal from the telephone terminal indicating the user taking the call (col. 4, lines 38-40; col. 6, lines 3-5; col. 11, lines 25-28) and establishing and means for establishing a connection to the telephone terminal to facilitate the call (col. 4, lines 40-43; col. 6, lines 3-7; col.11, lines 29-30).

As to claims 15 and 31, Howe et al. teach the telephone terminal is adapted to automatically open a speaker channel for call screening (col. 4, lines 20-23; col. 7, lines 18-21; col. 10, lines 57-60 - where Howe discussed service node 16 directs the establishment of the one-way communication to the called party and providing the called party with the ability to monitor or listen only to the communication between the calling party and the message service, hence sending signal to the telephone terminal to open a speaker channel).

As to claims 16 and 32, Howe et al. teach sending and means for sending a message to the hosted voicemail system to control processing of fragments of the messages resulting from call screening (col. 11, lines 63-67; col. 4, lines 18-19; col. 6, lines 8-9 - *where Howe discussed service node 16 provides signaling to the external message service 29 via SSP 14 to indicate that the message should be erased*).

As to claim 17, Howe et al. teach a system for allowing call screening in a hosted voicemail system environment (col. 7, lines 12-15) comprising:

means for directing a call to a hosted voicemail system (col. 8, lines 10-13 - *where Howe discussed the service switching point SSP 14 route the communication to the message service in service node 16*), which serves as a voicemail system for a telephone terminal (col. 3, lines 17-20; col. 7, lines 15-17); and

means for allowing the telephone terminal to monitor a message being left in the hosted voicemail system (col. 3, lines 20-23; col. 7, lines 18-21; col. 10, lines 54-57 - *where Howe discussed the establishment of a one-way connection from the communication to the called party is directed by the service node 16 so that the called party may monitor a message being left in the message service*).

Howe et al. does not teach means for sending a first signal to the telephone terminal to open a speaker channel without user interaction with the telephone terminal.

Lecton et al. teaches means for sending a first signal to the telephone terminal to open a speaker channel without user interaction with the telephone terminal (page 1, [0009], lines 8-9; page 2, [0024], lines 6-10 and [0025], lines 1-4).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Lection into the teachings of Howe for safety purposes and reducing disruptions while the user driving his or her car.

Response to Arguments

5. Applicant's arguments with respect to claims 1-19 and 21-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quynh H. Nguyen

January 4, 2006


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